

REMARKS

Claims 1-20 remain pending. Favorable reconsideration is respectfully requested.

The rejection of the Claims under 35 U.S.C. §103(a) over Miura et al. in view of Nishiuchi et al. is respectfully traversed. Miura et al. is not available as prior art against the present application.

The present application is a National Stage of an international application filed on August 12, 2004. The Miura et al. reference published on November 24, 2005, from application serial No. 10/630,476, which was filed on July 30, 2003. Accordingly, Miura et al. qualifies date-wise as prior art against the present application under 35 U.S.C. §102(e).

The present application and the Miura et al. application are each assigned to TDK Corporation. Applicants confirm that the present application and Miura et al. were assigned to or subject to an obligation of assignment to TDK corporation at the time the invention claimed in the present application was made. Accordingly, under 35 U.S.C. §103(c)(1), Miura et al. is not available as prior art against the present application.

Since Miura et al. is not available as prior art against the present application, the rejection based on that reference is unsustainable. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Regarding the Restriction Requirement, rejoinder of the withdrawn claims is respectfully requested.

Application No. 10/568,582
Reply to Office Action of August 20, 2008

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

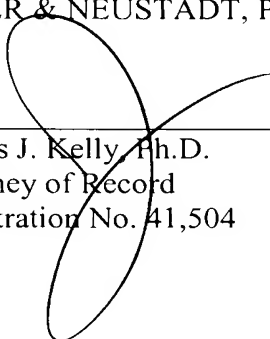
Respectfully submitted,

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